

**UNITED STATES DISTRICT COURT**

## **EASTERN DISTRICT OF TEXAS**

## HENRY M. HANSBROUGH,

Plaintiff,

*versus*

**CIVIL ACTION NO. 1:10-CV-644**

JEFFERSON COUNTY SHERIFF  
OFFICE, *et al.*,

## Defendants.

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Henry M. Hansbrough, an inmate confined in the Texas Department of Criminal Justice, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed as frivolous and for failing to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes Plaintiff's objections are without merit.

Plaintiff contends his claims against Jefferson County should not be dismissed. Plaintiff's allegations, however, fail to state a claim upon which relief may be granted against the county. The Fifth Circuit has repeatedly recognized that "isolated violations are not the persistent, often repeated, constant violations that constitute custom and policy as required for municipal section 1983 liability." *Gates v. Texas Department of Protective and Regulatory Services*, 537 F.3d 404,

437 (5th Cir. 2008) (quoting *Campbell v. City of San Antonio*, 43 F.3d 973, 977 (5th Cir. 1995).

Thus, Plaintiff's objections are without merit.

## ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 25th day of July, 2011.



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MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE